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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined initial to third periodic reports of the Federated States of Micronesia

Reservations

1. Please provide information on specific measures being taken to withdraw the State party's reservations to articles 2 (f), 5, 11 (1) (d), 11 (2) (b), 16 and 29 (1) of the Convention.

Constitutional, legislative, policy and institutional framework

2. It is indicated in the report (CEDAW/C/FSM/1-3) that the State party comprises four major islands forming the four states, with each state having its own constitution (para. 4).[1] In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5.1, to end all forms of discrimination against all women and girls everywhere, please indicate the specific measures that the State party is taking to fully incorporate the provisions of the Convention into the law of each of the four states. Please also provide an update on the progress made in adopting the first gender policy for the State party (para. 88). Please state the law reform measures being taken in order to revise those items of legislation and customary law that are inconsistent with the provisions of the Convention (paras. 16 and 25). Specifically, please state the measures that are being taken to harmonize statutory and customary law, considering that the latter takes precedence over the former.

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined initial to third periodic reports of the State party.

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3. It is indicated that anti-discrimination legislation in the State party does not encompass direct and indirect discrimination (para. 19). Please state the measures that the State party is taking in order to integrate a definition of discrimination against women that is in line with article 1 of the Convention into the Constitution or other basic legislation (para. 83). Please also provide examples of any cases in which the provisions of the Convention have been invoked by national courts. It is stated that there is no legislation establishing a national human rights machinery charged with promoting and protecting human rights, including women's rights (para. 94). Please indicate what measures are being taken to establish a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Access to justice

4. It is stated in paragraph 94 that the formal justice system is not accessible to some women because of geographical dispersion and resource scarcity, and that the court process is expensive and time-consuming. Please provide information on measures taken to address those obstacles in order to provide legal assistance to women to facilitate their access to justice in various fields, in particular with regard to prosecution in cases of gender-based violence, including domestic violence. Please provide information on the existing legal aid scheme and the extent to which women avail themselves of legal aid. Specifically, please provide data on the number of women who have access to the Micronesian Legal Services Corporation, which provides free legal advice to clients on a variety of legal issues. Please also respond to reports that legal aid is available only for civil matters to the exclusion of domestic disputes (paras. 217 and 218).

National machinery for the advancement of women

5. Please provide information on progress made to establish a national machinery for the advancement of women following the tabling of a bill before Congress to establish a gender affairs Cabinet portfolio and on the projected mandate and resources (para. 89). Please provide information on the institution that is currently mandated to monitor the implementation of women's rights and on the impact that its work has had in accelerating the advancement of women in the State party.

Temporary special measures

6. It is stated that there are no legislative and other measures aimed at increasing the number of women in all fields, such as education and employment, and at the decision-making levels (para. 98). Please indicate whether the State party envisages adopting temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on the subject, to accelerate the realization of de facto equality of women with men.

Stereotypes and harmful practices

7. In the light of the State party's reservations under article 5 of the Convention and the statement in paragraph 2 of the report that some positive changes have occurred since the State party made those reservations, please provide detailed information on changes with regard to stereotypes and harmful practices in the State party. Please provide information on measures envisaged to develop a

comprehensive policy to change social and cultural patterns that lead to the stereotyping and reinforcement of women's inferiority and dependency within the family and society, in particular those patterns that target gender socialization practices in the family and at school, as well as the negative portrayal of women. Please provide information on the challenges faced in addressing gender stereotypes in the State party. Please provide data on the prevalence of child marriages and incest (para. 52).

Gender-based violence against women

8. It is noted in paragraph 27 that there is no legislation in the State party that imposes the mandatory prosecution of domestic violence offences, including stalking, and the issuance of restraining orders, partly because the Family Protection Act, which governs the issuance of protection orders, has been passed only in the State of Kosrae. It is also stated that the penal codes contain no specific offences of domestic violence (para. 26). Please provide information on legislative and other measures being taken to combat gender-based violence against women, including domestic violence. What specific measures have been taken to address the prevalent cases of gender-based violence against women, including domestic violence, that were identified in the family health and safety study published in 2014? Please also provide data, disaggregated by state, age and type of offence, on cases of gender-based violence against women reported to the police, the number of cases brought to court and the number of prosecutions and convictions resulting therefrom. Please provide data on femicide and infanticide in the State party (para. 81). Please also provide information on existing systems to collect data on gender-based violence against women, including domestic violence, and on how nationwide data are collected, collated, analysed and shared for purposes of effectively combating gender-based violence against women and girls.

9. Please provide information on any measures being taken to address the low sentences for sexual offences and the low age limits for the crime of improper sexual contact in the four states (paras. 36, 38, 40 and 42). It is stated in paragraphs 46 and 66 that sexual penetration requires force and therefore does not constitute an offence if it occurs through duress, threats or coercion, and that the provisions on sexual assault imply the expectation of physical resistance. Please indicate the measures being taken to revise the definition of rape to remove elements of force and the expectation of resistance. Please also state the measures being taken to criminalize marital rape in the State of Pohnpei, in line with the Committee's general recommendation No. 19. Please state the measures envisaged to ensure that cases of gender-based violence against women, including domestic violence, are, under no circumstances, systematically referred to alternative dispute resolution procedures, as stipulated in the Committee's general recommendation No. 33 (2015) on women's access to justice.

10. Please provide information on specific steps being taken to guarantee efficient coordination mechanisms in order to ensure effective multisectoral responses to gender-based violence against women. Please provide further information on the number and accessibility of shelters for women and girls who are victims of violence, especially in the States of Kosrae, Chuuk and Yap, as well as the nature of their funding (paras. 90-93).

Trafficking and exploitation of prostitution

11. Please provide data, disaggregated by state, age, sex and origin of victims, on trafficking in persons and the extent of sex tourism in the State party (para. 108). Has the State party carried out a study to investigate the extent and root causes of trafficking in persons and the exploitation of prostitution, in particular of women and girls? Please provide information on the challenges and achievements in the implementation of the Trafficking in Persons Act of 2012. Please also provide information on the number of shelters for women and girls who are victims of trafficking.

Participation in political and public life

12. It is indicated in paragraph 44 that: (a) there are 14 seats in Congress, all of which are currently occupied by men (para. 116); (b) no woman has ever served as a representative in the legislatures of Kosrae and Yap; (c) only two women serve as senators in the Pohnpei legislature (para. 117); and (d) women continue to be underrepresented in the judiciary and other decision-making bodies (para. 216). Please provide information on the steps envisaged to increase the number of women in elected and appointed decision-making bodies and to achieve equal representation of women in political and public life, including through the adoption of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25. Please provide, in particular, information on measures taken or envisaged, in accordance with the Committee's general recommendation No. 23 (1997) on women in political and public life, to introduce a system of quotas and/or other temporary special measures with a view to reaching a minimum of 30 per cent representation of women in the parliament, and to support women candidates for elected positions in the State party. Please provide an update of the status of the bill to amend the Constitution in order to provide for reserved seats for women in Congress, which has been pending since 2010 (paras. 99-101).

Education

13. It is stated in paragraph 143 that, although pregnant girls are not expelled from school, there are no specialist health facilities on public school campuses to assist them, compelling them to drop out. Please provide information on measures envisaged to address this phenomenon to ensure the re-entry of girls after giving birth. Please provide data on: (a) the dropout rate of girls owing to pregnancy; and (b) the indirect costs to education that may impede the access of women and girls to education, especially in female-headed households. Please provide information on any steps taken to develop an age-appropriate education programme on sexual and reproductive health and rights for all levels of education in the State party. Please also provide any information on measures being taken to address the shortage of qualified teachers in the States of Yap and Chuuk, and the lack of women in the upper echelons of school administration (para. 146).

Employment

14. It is stated in paragraphs 148 and 149 that there are no anti-discrimination provisions with regard to employment and that no legal protection is afforded to domestic workers. Furthermore, there is no legislation governing sexual harassment

in the workplace (paras. 152 and 153). Please state the specific measures being taken to adopt legislation to combat discrimination and sexual harassment. Please also state the measures being taken to ensure equal conditions of work, including leave and compensation for workers (para. 151). What measures are being taken to improve maternity leave entitlements in the State of Kosrae?

15. It is also noted in the report that women earn less than men and that only the State of Pohnpei has legislation providing for equal pay for work of equal value (paras. 153 and 159). Please provide information on the specific measures taken to: (a) improve the rate of employment of women and address occupational segregation (para. 163); (b) enshrine in legislation and enforce the principle of equal pay for work of equal value in order to close the wage gap between women and men; and (c) improve the equal sharing of responsibilities between men and women.

Health

16. It is stated in paragraph 183 that the State of Yap experiences high rates of maternal morbidity and mortality as a result of adolescent pregnancies, childbearing complications, malnutrition and poor or non-existent prenatal care. Please provide information on: (a) the overall maternal mortality rate in the State party; (b) women's access to basic health-care services, including essential obstetric care and sexual and reproductive health services; and (c) the prevalence of cervical and breast cancer and the measures taken to prevent them. Please also state the measures being taken to respond to the high infant mortality rates in the State of Chuuk (para. 184). What measures are envisaged to address the numerous obstacles to gaining access to health care that women living on outer islands and in rural areas face, such as a lack of trained personnel (para. 186)?

17. According to information before the Committee, abortion is legal only if it is performed to save the life of a pregnant woman. Please provide information on measures being taken to legalize abortion on other grounds, including severe fetal impairment and where pregnancy is as a result of rape or incest. Please provide information on the incidence of unsafe abortion and its impact on women's health, including maternal mortality. What measures have been taken to provide for safe abortion facilities and to improve the provision of sexual and reproductive health services and products, in particular contraceptives (para. 168)?

Rural women

18. Please provide information on measures being taken to improve access to land, credit facilities and markets for women, in particular for rural women. Please respond to reports that lending institutions engage in usury and specifically target women because of their low financial literacy. Please also provide information on the participation of rural women in the development of policies affecting them. What programmes are in place to ensure their access to social protection, information, health, employment and education, in particular among women living on outer islands and in rural areas?

Disadvantaged groups of women

19. Please provide information on the situation of women with disabilities. It is indicated in paragraph 7 that 1 in every 5 households is headed by a woman and that the State of Pohnpei has the highest number of female-headed households. Please

provide information on the extent to which female-headed households are disproportionately affected by poverty and on access to health services, education and employment for all women living in poverty. What social protection measures have been put in place with a view to alleviating the gendered impact of poverty in society? Please provide specific examples of existing social protection programmes aimed at reducing economic burdens on female-headed households, domestic workers and older women.

Marriage and family relations

20. According to information before the Committee, the legal age of marriage for girls is 16 years and fault-based divorce is practised across all four states. It is indicated in paragraphs 223 and 224 that there is no legislation in the State of Yap governing marriage and inheritance. Please also provide information on the impact of the fault-based divorce regime on the devolution of property upon divorce. What steps are being taken to adopt legislation governing marriage and inheritance in the State of Yap? Please provide information on measures being taken to raise the legal age of marriage for girls to 18 years.

Disaster risk reduction and climate change

21. According to information before the Committee, the State party is located in the hurricane belt and hence susceptible to tropical storms. Please provide information on whether a gender perspective has been incorporated into the climate change and disaster risk management policy of 2013 and the Climate Change Act. Please provide information on the participation of women in the development of this policy and of programmes on disaster risk reduction and climate change.

Data collection

22. Please state the specific measures that the State party intends to adopt to strengthen its system of data collection in all areas covered by the Convention, including the use of measurable indicators to assess trends in the situation of women and progress towards de facto equality for women, in particular in education, employment, the judiciary and voter statistics. In this regard, please provide information on the use of such data as the basis to monitor the implementation of current and future policy and legislative measures for the advancement of women.

Optional Protocol and amendment to article 20 (1)

23. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention.